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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,716	01/07/2000	YOICHIRO SAKO	450100-3601.	4652

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EXAMINER

SON, LINH L D

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/480,716

Applicant(s)

SAKO ET AL

Examiner

Linh Son

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 101-140 and 143-192 is/are pending in the application.
- 4a) Of the above claim(s) 1-100 and 141-142 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 101-140, and 143-192 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This written action is responding to the Amendment received on June 28th, 2004.
2. Claims 101-140, 143-192 are pending.
3. Claims 141-142 are canceled by the applicant.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 101-140, and 143-192 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan, US Patent No. 4577216, hereinafter '216.

6. As per claims 101 and 102, "A method for reproducing digital data from a signal record medium, comprising the steps of: reading out recording control information from a playback mode control signal area of said signal record medium, said recording control information being operable to control the playback mode of said record medium" is taught in '216 (Col 2 lines 10-40). However, "changing, based on said recording control information, the phase of at least a portion of a color burst signal associated with an analog color video signal generated from said digital data such that the color burst signal is modified to include a portion having changed phase and a portion having an unchanged phase" is not taught clearly in '216. Nevertheless, the invention in '216

teach that the color burst signal gets modulated with a random, pseudo-random, periodic signals and combinations at the modulator (Figure 1, Col 2 line 22 to Col 3 line 18, and Col 4 lines 30-45). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify the invention in '216 to modulate with a signal that has a portion of random noise and portion of blank reproduce a viewable signal at the output.

7. As per claim 102, "The method according to claim 101, wherein a first half of said color burst signal is changed and a second half of said color burst signal is unchanged" is not taught specifically in '216. Nevertheless, the invention in '216 does mention the modulating part of color burst signal in (Col 1 lines 30-33, Col 1 lines 20-42, and Col 2 line 64 to Col 3 line 50) and send other portion of the signal directly to output terminal. Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art that '216 can also be modified to have half of the signal changed. The modification of part to half of the signal would not change invention.

8. As per claim 103, Claim 102 rejection is incorporated. Further, "the phase reversal is taught in '216 (Col 3 lines 5-10).

9. As per claim 104, "The method according to claim 101" is taught in '216. However, "the said color burst signal has eleven cycles and at least two cycles of said eleven cycles are changed in phase" is not specifically taught in '216. Nevertheless,

Nevertheless, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to select any number of cycles of color burst signal to have phase changed. The number of cycles does not modify the invention.

10. As per claims 105-106, the invention in '216 teaches a method of changing a portion of the color burst signal for playback decoding. However, the limitation of the said color burst signal has eleven cycles and about 5.5 cycles of said eleven cycles are changed in phase is not specifically taught in '216. Nevertheless, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to select any number of cycles of color burst signal to have phase changed. The number of cycles does not modify the invention.

11. As per claim 108, "The method according to claim 101, wherein said color burst signal has a first portion and a second portion and a phase switching point exists between said first portion and said second portion" is taught in '216 (Col 4 lines 30-45)

12. As per claim 109-110, recites the limitation of changing the color burst phase for every two lines of every seventeen horizontal lines and same rejection of claim 105-106 is applied.

13. As per claim 111-120 are apparatus claims corresponding to method claims 101-110 and same basis of rejection is applied.

14. As per claim 121, "A method for reproducing a ciphered signal from a signal record medium, comprising the steps of reading out recording control information arrayed at a playback mode control signal area of said signal record medium; deciphering said ciphered signal using at least a portion of said recording control information as key information for reproducing said signal to generate an analog color video signal" is taught in '216 (Col 2 lines 10-40). However, "changing, based on said recording control information, the phase of at least a portion of a color burst signal associated with an analog color video signal generated from said digital data such that the color burst signal is modified to include a portion having changed phase and a portion having an unchanged phase" is not taught clearly in '216. Nevertheless, the invention in '216 teach that the color burst signal gets modulated with a random, pseudo-random, periodic signals and combinations at the modulator (Figure 1, Col 2 line 22 to Col 3 line 18, and Col 4 lines 30-45). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify the invention in '216 to modulate with a signal that has a portion of random noise and portion of blank reproduce a viewable signal at the output.

15. As per claims 122-130, have the same limitations as method claims 101-110 and same basis of rejection is applied.

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16. As per claims 131-140, are means plus function implementation of claims 121-130 and same basis of rejection is applied.

17. As per claims 143-152, recite the same limitations as claims 101-110 and same basis of rejection is applied.

18. As per claims 153-162 are directed to both receiving and reproducing digital data encompassing the apparatus disclosed in claims 111-119 and same basis of rejection is applied.

19. As per claim 163, "A method for receiving a transmitted ciphered signal and reproducing the received signal, comprising the steps of: generating transmission control information from said received signal; deciphering said received signal using at least a portion of said transmission control information as key information to generate an analog color video signal" is taught in '216 (Col 2 lines 10-40). However, "changing, based on said recording control information, the phase of at least a portion of a color burst signal associated with an analog color video signal generated from said digital data such that the color burst signal is modified to include a portion having changed phase and a portion having an unchanged phase" is not taught clearly in '216. Nevertheless, the invention in '216 teach that the color burst signal gets modulated with a random, pseudo-random, periodic signals and combinations at the modulator (Figure 1, Col 2 line 22 to Col 3 line 18, and Col 4 lines 30-45). Therefore, it would have been

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obvious at the time of the invention was made for one having ordinary skill in the art to modify the invention in '216 to modulate with a signal that has a portion of random noise and portion of blank reproduce a viewable signal at the output.

20. As per claims 164-172 recite the limitations of claims 101-111 wherein there is a step of generating the transmission control information and same basis of rejection is applied. Claims 164-172 are rejected.

21. As per claims 173, "An apparatus for receiving and reproducing a transmitted ciphered signal, comprising: means for recovering transmission control information which has been transmitted together with said ciphered signal; means for deciphering said ciphered signal using at least a portion of said transmission control information as key information to generate an analog color video signal" is taught in '216 (Col 2 lines 50-63). However, "changing, based on said recording control information, the phase of at least a portion of a color burst signal associated with an analog color video signal generated from said digital data such that the color burst signal is modified to include a portion having changed phase and a portion having an unchanged phase" is not taught clearly in '216. Nevertheless, the invention in '216 teach that the color burst signal gets modulated with a random, pseudo-random, periodic signals and combinations at the modulator (Figure 1, Col 2 line 22 to Col 3 line 18, and Col 4 lines 30-45). Therefore, it would have been obvious at the time of the invention was made for one having ordinary

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skill in the art to modify the invention in '216 to modulate with a signal that has a portion of random noise and portion of blank reproduce a viewable signal at the output.

22. As per claims 174-182 are means plus functions for implementing claims 153-162 and same basis of rejection is applied.

23. As per claims 183-192, recites limitation of claim 173-182 and same basis of rejection is applied. The D/A (digital to analog) conversion inherently exists in the invention, since the recorded data on the recording medium can only be zero and one, which is the digital format. Claims 183-192 are rejected.

Response to Amendment

24. Applicant has amended claims 101, 111, 121, 131, 143, 153, 163, 173, and 183, which necessitated new grounds of rejection. See rejections above.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

26. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (571)-271-3856.

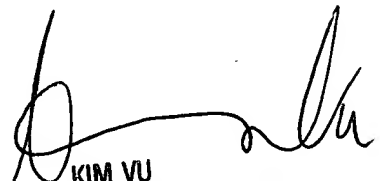
27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (571)-272-3859. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2100.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pzr-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son

Patent Examiner



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2135